



2877CON2

1

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT

In re application of:

BACK

)

Group Art Unit: 2873

)

Serial No. 10/827,168

)

Examiner: Sugarman, Scott J.

Dated: April 19, 2004

)

For: CONTACT LENS HAVING A
UNIFORM HORIZONTAL THICKNESS
PROFILE

I hereby certify that this correspondence is being
deposited with the United States Postal Service
with sufficient postage as first class mail in
an envelope addressed to: Commissioner for Patents,
PO Box 1450, Alexandria, VA 22313-1450 on or before

Date:

March 2, 2005

Signed:

[Signature]

RESPONSE A

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Examiner's communication mailed
December 2, 2004.

Claims 39-58 have been rejected under the judicially created
doctrine of obviousness-type double patenting as being unpatentable
over claims 1-38 of U.S. Patent No. 6,467,903 and over claims 39-75
of copending application No. 10/171/718, which application issued
as U.S. Patent No. 6,857,740 on February 22, 2005.

Enclosed is a Terminal Disclaimer, and required fee,
disclaiming the terminal part of any patent issuing from the above-
identified application which extends beyond the expiration of U.S.

Patent No.6,467,903 and U.S. Patent No. 6,857,740.

In view of the enclosed Terminal Disclaimer, and required fee, applicant requests that the obviousness-type double patenting rejections be withdrawn.

In conclusion, applicant submits that claims 39-58 are allowable and respectfully requests the Examiner to pass the above-identified application to issuance at an early date. Should any matters remain unresolved, the Examiner is requested to call (collect) applicant's attorney at the telephone number given below.

Respectfully submitted,



Frank J. Uxa
Attorney for Applicant
Reg. No. 25,612
4 Venture, Suite 300
Irvine, CA 92618
(949) 450-1750
Facsimile (949) 450-1764

FJUxa/jm